

GOVERNMENT OF ANDHRA PRADESH

A B S R A C T

Social Welfare Department—Land Acquisition for House Sites – Mahabubnagar District – Mandoddi Village, Waddepally Mandal - Land Acquired for provision of house sites to the weaker section people – Sanction of Rs.2,84,582/- towards decretal charges in O.P No.351/92 – Orders- Issued.

SOCIAL WELFARE (LA.2) DEPARTMENT

G.O Rt.No. 287

Dated:15.04.2013

Read the following

1. From the District Collector, Mahabubnagar, Lr.No.LA4/53/1997, dt. 25.6.2009.
2. From the Commissioner of Social Welfare, Hyderabad Lr.No.LA/12589/2003 dated 22.08.2009.
3. From the CCLA, A.P., Hyderabad Lr.No.G1/1344/2011, dated 27.10.2009.

O R D E R:

In the reference 3rd read above, the Chief Commissioner of Land Administration, A.P., Hyderabad has informed that the LAO/MRO, Waddepally has acquired land an extent of Ac.3.94 Cts in Sy.No.277 situated at Mandoddi Village, Waddepally Mandal of Mahabubnagar District, passed the award Procs.No.2/92 dt 19.3.1992 duly fixing the market value covered by acquisition as Rs.10,500/- per acre. Aggrieved by the decision of LAO the land holder filed a petition U/s 18 of L.A Act, and the matter was referred to the Court of Subordinate Judge, Gadwal. The Subordinate Judge, Gadwal delivered judgment in OP No.351/92 on 20.02.1996 by fixing the market value of area covered by acquisition as Rs.45,000/- per acre. The LAO/MRO, Waddepally filed an appeal in Hon'ble High Court of A.P., the appeal was registered as AS No.2712/96. . The Hon'ble High Court of A.P was disposed the said AS on 18.7.2002 confirming the orders of Lower Court and also issued orders to pay interest on 30% solatium also in addition to market value. The LAO/MRO, Waddepally was filed SLP in the Hon'ble Supreme Court of India and the same was dismissed by the Apex Court in its orders dated 13.3.2003 in SLP No.4102/2003. The District Collector, Mahabubnagar has submitted proposal and a report to the Commissioner of Social Welfare, A.P., Hyderabad vide his Lr.No.LA4/53/97, dt 24.9.2003 with a request to release an amount of Rs. 2,05,387/- towards decretal charges. Meanwhile the decree holder filed EP and the Court attached property of Government. An amount of Rs. 2,05,387/- was released towards decretal charges out of Revenue Deposits and the landholder under part satisfaction withdraw the same. The Chief Commissioner of Land Administration, A.P., Hyderabad has further stated that the EP was not closed and the decree holder is claiming Rs.2,17,884/- as on 24.7.2006 towards balance decretal amount and the Court attached the movable assets of Tahsil Office. From the perusal of the EP and relevant files it is observed that the decree holder has adjusted amount received by him towards interest claiming interest on the balance amount payable as per the principle laid down in Guru Preeth Singh Vs Union of India. In this regard as per the latest judgment of Hon'ble Supreme Court of India in "Guru Preet Singh Vs. Union of India (2006(8) SCC UST)" the decree holder is entitled to appropriate the amount already received by him pursuant to the interim order first towards interest then towards costs and the balance towards principal as on the date of the withdrawal of the amount and claim interest on the balance amount of enhanced compensation by levying execution. The Govt vide Memo No.44753/LA(A2)/ 2007-1, dated 26.10.2007 has issued instructions to implement the judgment. In view of the reasons narrated above the District Collector, Mahabubnagar/Commissioner of Social Welfare, A.P., Hyderabad has submitted proposals for sanction an amount of Rs.2,84,582/- payable towards balance decretal amount in EP No.52/03 in OP No.351/92 in the Court of Sr Civil Judge, Gadwal and also requested to ratify the action taken by the District Collector, Mahabubnagar, having deposited an amount of Rs.2,05,387/- out of Revenue funds in the said O.P..

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2. The Chief Commissioner of Land Administration, A.P., Hyderabad, after verification and scrutiny of the proposals submitted by the District Collector, Mahabubnagar/Commissioner of Social Welfare, A.P., Hyderabad, has sent comparative calculation sheet for Rs.2,84,582/- towards payment of the balance decretal charges in O.P.No.351/92 for the lands acquired to an extent of Ac.3.94 Cts in Sy.No.277 situated at Mandoddi Village, Waddepally Mandal of Mahabubnagar District and also to ratify the action taken by the Dist Collector, for having released an amount of Rs.2,05,387/- out of Revenue Deposits.

3. Government, after careful examination of the above proposal, hereby accord permission to the Commissioner of Social Welfare, A.P., Hyderabad for release an amount of Rs.2,84,582/-(Rupees two lakhs eighty four thousand five hundred and eighty two only) towards payment of the balance decretal charges in O.P.No.351/92 for the lands acquired to an extent of Ac.3.94 Cts in Sy.No.277 situated at Mandoddi Village, Waddepally Mandal of Mahabubnagar District and also ratified the action taken by the District Collector, for having released an amount of Rs.2,05,387/- out of Revenue Deposits in the said OP..

4. The expenditure sanctioned in para (3) above shall be met within the BE.2013-14 and debited to the following Head of Account:

“2225-Welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes – 01 – Welfare of Scheduled Castes – M.H.283- Housing – G.H.11-Normal State Plan – SH(08) Acquisition of House Sites to weaker sections in Indiramma Programme – 310/312 – Other Grant – in – Aid”.

5. The Commissioner of Social Welfare, A.P., Hyderabad is directed to issue necessary Proceedings to the District Collector, Mahabubnagar to comply with the Court orders in OP.No.351/92.

6. The District Collector, Mahabubnagar shall verify the calculation sheet submitted by the Land Acquisition Officer once again, before issue of the Proceedings for releasing the amount. If any discrepancy/excess claim is found in the calculation sheet in future, the Land Acquisition Officer shall be held solely responsible.

7. This order does not require the concurrence of Finance (Expr.SW) Department, as per their instructions vide U.O Note No.12869/196/A1/Expr.SW/2009 dated 22.05.2009 and U.O No. 15926/256/A1/1/Expr.SW/09, dated 17.08.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J. RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Special Chief Secretary & Chief Commissioner of Land Administration,
A.P., Hyderabad

The Commissioner of Social Welfare, A.P., Hyderabad,
The District Collector, Mahabubnagar

Copy to:

The Director of Treasury & Accounts, A.P., Hyderabad,
The Accountant General, A.P., Hyderabad,

The District Treasury Officer, Mahabubnagar District.

Finance (Exp.SW/BG) Department

SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER